

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

D. BRIAN F. BARTOLEME,

No. C 07-4889 JL

Plaintiff,

REFERRAL FOR REASSIGNMENT

v.

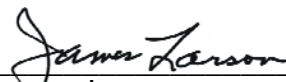
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Defendant.

The Court received Plaintiffs application to file his complaint without prepayment of the filing fee, in forma pauperis ("IFP"). Plaintiff satisfies the indigence requirement of 28 U.S.C. §1915. However, the complaint is virtually impossible to decipher. The Court would of necessity find it factually frivolous and therefore would not grant the application. A magistrate judge does not have jurisdiction to deny an IFP application, absent the consent of the Plaintiff. *Tripathi v Rison*, 847 F.2d 548 (9th Cir. 1988) . Plaintiff has not consented to this Court's jurisdiction. Accordingly, this case is hereby referred for reassignment.

IT IS SO ORDERED.

DATED: November 19, 2007


James Larson
Chief Magistrate Judge